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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,130	07/09/2003	Shinji Mori	740165-353	4490

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EXAMINER

KIM, SANG K

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/623,130

Applicant(s)

MORI ET AL.

Examiner

SANG KIM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/9/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "a distance to an obstacle which is positioned ahead of a vehicle," must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "strip-shaped" in claim 1, line 1, is indefinite and vague. What constitutes "strip-shaped"?

In claim 11, last paragraph, "abuts an addendum of the tooth of the input gear....at least another one of the connecting members abuts a portion of the input gear other than addenda of the input gear," is indefinite and vague. Which portion of the connecting member is abutting a portion of the input gear other than addenda of the input gear is applicant referring to?

In claim 21, last paragraph, "an interval between respective meshing portions....which is less than the pitch," is indefinite and vague. Which sum of a number is an integer multiple of a pitch of the plurality of teeth and a number which is less than the pitch is applicant referring to?

For example, in claim 1: Lines 3-4, "which take-up shaft" should be --take up shaft--; Line 10, "which plurality connecting members" should be --the plurality of connecting members--. Applicant is advised to check rest of the claims for proper antecedent basis.

Claim Rejections - 35 USC § 102

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-5, 11-12, 14-15, 21 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Fohl, U.S. Patent No. 5918717.

With respect to claims 1-2 and 11-12, Fohl '717 shows a webbing retractor device for seat belt winding around a take-up shaft (not shown, inherently known in the seat belt); an input gear (34) connected to the take-up shaft (via 16, not shown), a plurality of teeth formed along a periphery of the input gear at uniform intervals (34); a prime mover rotating body (14) receiving driving force from a drive source (a gas from an inlet 20) to rotate; and a plurality of connecting members (32) for transmitting rotation of the prime mover rotating body (14) to the input gear (34), which the plurality of connecting members (32) rotate around the input gear (34) and each of the connecting members (32) has a meshing portion (i.e. engaging parts) that is capable of contacting and moving away from the input gear (34), wherein a state in which at least two of connecting members (32) contact the input gear (34) along a direction of rotation of the input gear and the connecting members (32) and the plurality of teeth of said input gear having a different pitch, see figures 1-8.

With respect to claims 4-5 and 14-15, Fohl '717 shows the plurality of connecting members (32) are held at the prime mover rotating body (14) and the prime mover

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rotating body is pivotally supported (28) so as to be coaxial with the input gear 34), see figure 1.

With respect to claims 21 and 23, as advanced above, Fohl '717 shows the connecting members (32) are meshed with the input gear (34), the meshing portion of the connecting members are less than that of the pitch of the plurality teeth, see figures 1-3.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 9-10, 13 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fohl, U.S. Patent No. 5918717.

With respect to claims 3 and 13, Fohl '717 shows an even number of teeth, see figure 3.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the input gear with an odd number of teeth, since it was known in the art that by reducing the number of teeth the shaft can rotate faster because the pawl has less teeth to engage.

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With respect to claims 9-10 and 19-20, Fohl '717 teach an electric activation sensor (not shown, i.e. a control unit) controlling operation of the drive source (i.e. a pyrotechnical) caused by abrupt acceleration.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the sensor to detect the distance, since it was known in the art that the sensor in the seat belt device is not limited to detecting acceleration or deceleration.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-23 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 10/615388. Although the conflicting claims are not identical, they are not patentably distinct from each other because all the limitations of this

application are obviously encompassed in claims 1-20 of copending application No. 10/615388, the claims differing only in insubstantial wording and language changes.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 1-7, 11-17 and 21-23 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of U.S. Patent No. 6857594. Although the conflicting claims are not identical, they are not patentably distinct from each other because all the limitations of this application in claims 1-7, 11-17 and 21-23 are obviously encompassed in claims 1-10 of U.S. Patent No. 6857594, the claims differing only in insubstantial wording and language changes.

Allowable Subject Matter

Claims 6-8 and 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 703-305-3712.

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The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki, can be reached on (703) 308-2688. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK

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A handwritten signature in cursive script that reads "Kathy Matecki".

KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 8800